

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

PAMELA STELLA, individually and  
on behalf of all others similarly situated,

Plaintiff,

V.

LVMH PERFUMES AND COSMETICS  
USA, INC., a New York Corporation,

Defendant.

No. 07-CV-6509

Hon. Elaine E. Bucklo

## Magistrate Judge Arlander Keys

**DEFENDANT LVMH PERFUMES AND COSMETICS, INC.’S UNOPPOSED  
MOTION TO EXTEND TIME TO FILE  
REPLY MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS**

Defendant LVMH Perfumes and Cosmetics, Inc. (“LVMH”), by and through its undersigned counsel, respectfully moves this Court for an order granting it until May 30, 2008 to file a reply memorandum in support of its motion to dismiss the complaint in this action.

1. The seven-count class complaint in this action was filed on November 16, 2007 and served on or about November 27, 2007. The complaint, which seeks certification of a nationwide class of consumers, purports to assert claims for consumer fraud, breach of implied warranty under the UCC, breach of implied warranty under the Magnuson-Moss Act, strict liability, negligence *per se*, unjust enrichment, and injunctive relief.

2. LVMH filed its pending motion to dismiss on March 14, 2008 and its 26-page supporting memorandum of law with leave of Court on March 18, 2008.

3. On April 25, 2008, Plaintiff filed an unopposed motion for leave to file an opposition brief in excess of 15 pages. Plaintiff's motion was granted by this Court on April 28, 2008.

4. On April 29, 2008, Plaintiff filed an opposition brief consisting of a 36-page main document and 76 pages of exhibits.

5. Under the current briefing schedule, LVMH's reply in support of its motion to dismiss is due today, May 9, 2008. LVMH's counsel request an extension to May 30, 2008 to file LVMH's reply memorandum. The requested extension is necessitated by the length of plaintiff's opposition brief, the number of arguments to be addressed, as well as scheduling conflicts presented by LVMH counsel's other obligations in other cases. Among other things, LVMH's lead counsel (Robert E. Shapiro) has just returned from an extended (two-week) work-related trip to Europe, and is now preparing for trial in another matter. In fact, Mr. Shapiro will be traveling on business every day but one for the next two weeks. For her part, Ms. Trummel has been involved in expedited briefing on a motion to dismiss in another matter since May 1, 2008, and must file a reply brief by May 16, 2007. Ms. Trummel is also currently involved in class certification briefing in another putative nationwide class action pending in this district. Ms. Trummel is also newly responsible for responding to extensive written discovery in a commercial dispute pending in this district – Ms. Trummel's high level of involvement was necessitated by the departure of the attorney previously responsible for the matter from her firm. In short, despite their best efforts, LVMH's counsel have not had sufficient time to respond to plaintiff's opposition brief. Accordingly, LVMH and its counsel request a 3-week extension of time to file a reply in support of LVMH's motion to dismiss.

5. The requested extension is not sought for any improper purpose, it will not unreasonably delay this action, and it will not prejudice any of the parties. As a corollary, LVMH notes that it still has not been served with the complaint in the related case, *Quinn v.*

*LVMH Perfumes and Cosmetics USA, Inc.*, No. 08-CV-138 (N.D. Ill.), which is now pending before this Court.

6. LVMH's counsel have conferred with plaintiff's counsel about the requested extension of time, and plaintiff's counsel have stated that they do not object.

WHEREFORE, defendant LVMH Perfumes and Cosmetics, Inc. respectfully requests that this Court grant its unopposed motion and enter an order extending the time for LVMH to file a reply memorandum in support of its motion to dismiss the complaint to May 30, 2008.

Date: May 9, 2008

Respectfully submitted,

**LVMH PERFUMES AND COSMETICS, INC.**

By: s/ Rachael M. Trummel

One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, Rachael M. Trummel, one of the attorneys for Defendant **LVMH PERFUMES AND COSMETICS USA, INC.**, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be served upon the following according to ECF Rules in compliance with Fed. Rule Civ. P. 5(b)(2)(D):

**By ECF/PACER Electronic Notice**

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s/ Rachael M. Trummel